HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 261/2001
(Old No. 1636 of 1990)

Satnam Singh ……Revisionist

Vs.

Smt. Kapoor Kaur …….Respondent

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri Amit Bhatt learned A.G.A. for the State and perused the record.

By means of this criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') the husband has question the propriety of the judgment and order date 3.8.1990 passed by the Sessions Judge, Nainital in criminal revision no.203/1989 whereby the learned Sessions Judge set-aside the judgment and order dated 24.10.1981 passed by the Munsif Magistrate, Kashipur in case no. 4/1989 under section 125 of the Code and allowed the application under section 125 of the Code filed by the respondent-wife and granted maintenance @ Rs. 200/-per month.

Perusal of the judgment reveal that a clear finding had been written to the fact that the respondent-wife was living separ4ately for sufficient reason and that further she was not provided maintenance by her husband. In a situation like this, the wife was entitled to claim maintenance by herself from the husband and the learned Sessions Judge therefore rightly found her entitled to maintenance @ Rs. 200/- per month. The revision is devoid of merit and is dismissed. Stay order dated 5.10.1990 is vacated.

(Irshad Hussain, J.)

Date 27.4.2004

Rawat.